761551N25A - SH - AD - 32A (11/02)

COUNTY OF LOS ANGELES

SHERIFF'S DEPARTMENT

"A Tradition of Service"

OFFICE CORRESPONDENCE

DATE: February 9, 2006

FILE NO.:

FROM: JOHNNY G. JURADO, COMMANDER
LEADERSHIP & TRAINING DIVISION

TO: RALPH J. WEBB, CAPTAIN
NORWALK STATION

SUBJECT: **EXECUTIVE FORCE REVIEW COMMITTEE FINDINGS AND RECOMMENDATIONS HIT SHOOTING, DECEMBER 1, 2004, REVIEW #SH2135158**

The purpose of this memo is to notify you of the review committee's findings and recommendations concerning the use of force incident which occurred on December 1, 2004.

The Committee met on February 9, 2006 and consisted of myself and Commanders Kenneth Brazile (Commander of the Department) and Eric Smith (Leadership and Training Division). The Committee determined the use of force by Deputy [redacted] #[redacted] and Deputy [redacted] #[redacted] was within Department policy.

Please advise the deputies of this finding.

JGJ:MAH:mh

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2135158

Los Angeles County Sheriff's Department

Officer Involved Shooting

Report Date: 12/01/04	Bureau/Station/Facility: Norwalk Station	Admin. Invest.? ☐	Hit? ☒

Incident Information

URN: 004-23130-0456-055	Date: 12/01/04 Time: 2201 Hours
City or Station: Norwalk Station	Nature of Incident: Deputies [redacted] and [redacted] were contacted by a citizen regarding a vehicle with armed occupants. The deputies saw the vehicle driving in the area and conducted a felony traffic stop. The passenger suddenly exited the vehicle and pointed a handgun at the deputies. Deputy [redacted] fired 3 rounds and Deputy [redacted] fired 1 round at the suspect, striking him in the lower torso.
Location: [redacted] Elaine Avenue, Norwalk	

Location Type (*circle one or more*):	Lighting (*circle only one*):	Incident Type (*circle one or more*):	Initiated by (*circle only one*):
Backyard Beach Business Freeway Industrial Park Parking Lot Residence Rural School (Street) [circled] Other: ______	(Darkness) [circled] Daylight Other Street Lights Weather (*circle only one*): (Clear) [circled] Cloudy Fog Rain Distance: 20 Feet	Accidental (Armed Person) [circled] Fleeing Suspect Foot Pursuit Gun Take Away Moving Vehicle Sniper/Ambush Startle Struggle Involved Traffic Stop Unarmed Person Unintentional Vehicle Pursuit Warrant Service Other: ______	Arrest Warrant Call (Observation) [circled] One Person Unit Other Search Warrant Two Person Unit Prior Activity (*circle only one*): Detective Inmate Transport Other (Routine Patrol) [circled] Aero Unit? ☐ Canine Unit? ☐
Total # of Shots Fired by Deputy: 4	Total # of Shots Fired by Suspect: 0		

Employee Witnesses

Employee #	Last Name	First Name	M.I.	ShiftTime (*circle only one*):	ShiftType (*circle only one*):
				EM PM Day	Regular Overtime Off Duty
				EM PM Day	Regular Overtime Off Duty
				EM PM Day	Regular Overtime Off Duty

Non-Employee Witnesses

Last Name [redacted]	First Name [redacted]	M.I.	
Street Address [redacted]	City [redacted]	Zip Code [redacted]	Work Ph	Home Ph [redacted]
Last Name [redacted]	First Name [redacted]	M.I.	
Street Address [redacted]	City [redacted]	Zip Code [redacted]	Work Ph	Home Ph [redacted]
Last Name [redacted]	First Name [redacted]	M.I.	
Street Address [redacted]	City [redacted]	Zip Code [redacted]	Work Ph	Home Ph [redacted]

Supervisors

Employee #	Last Name	First Name	M.I	(*circle one or more*):
[redacted]	PERRY	KENNETH		(On Duty) [circled] Present during shooting Witness to shooting Involved in shooting
				On Duty Present during shooting Witness to shooting Involved in shooting

Watch Sergeant

Employee #	Last Name	First Name	M.I.
[redacted]	ANDERSON	JUDY	

Watch Commander

Employee #	Last Name	First Name	M.I.
[redacted]	PEREZ	HOLLY	

PSTD Use Only

SH # ______

Officer Involved Shooting

URN: 004-23130-0456-055

Rollout Information

Arrival Date	Arrival Time	Date Submitted	Date of Recommendation
12/02/04	0030	12/31/05	

Employee #	Last Name	First Name	M.I
[redacted]	Sutton	Wes	M.
[redacted]	Berg	Michael	R.
[redacted]	Seno	Bennett	

Shooting / Force Information

Method

(AW) Arwen
(BC) Baton:(Control)
(BI) Baton:(Impact)
(BF) Bodily Fluids
(CN) Canine
(CR) Carotid Restraint
(CH) Choke Hold
(CT) Control Holds:(Control Techniques)
(TT) Control Holds:(Team Takedown)
(TD) Control Holds:(Takedown)
(CE) Chemical
(OC) Chemical Agents (OC Spray)
(TG) Chemical Agents (Tear Gas)
(EX) Explosives
(FH) Firearm (Handgun)
(FR) Firearm (Rifle)
(FS) Firearm (Shotgun)
(FO) Firearm (Other)
(FB) Flashbang
(FL) Flashlight
(OE) Other Weapon: Edged
(OV) Other Weapon: Vehicle
(OB) Other Weapon: Blunt Object
(OO) Other Weapon: Other
(PK) Personal Weapon: Feet/Leg: (Kick)
(PS) Personal Weapon: Feet/Leg: (Sweep)
(PH) Personal Weapon (Hand/Arm)
(PP) Personal Weapon (Push)
(PO) Personal Weapon (Other)
(RS) Resistance
(CN) Restraint Device (Capture Net)
(RH) Restraint Device (Handcuffs)
(HB) Restraint Device:Hobble (Legs Only)
(TP) Restraint Device:Hobble (TARP)
(RE) Restraint Device: REACT Belt
(SP) Sap
(SH) Shield
(SG) 37mm Stinger
(SB) Sting Ball
(ST) Stun Bag
(TR) Taser
(UC) Uncooperative

Brand

(AK) AK-47
(BN) Benelli
(BR) Beretta
(BW) Browning
(CH) Charter Arms
(CO) Colt
(DA) Davis Industries
(GL) Glock
(HA) Harrington & Richardson
(HI) Hi Standard
(HK) H & K
(IT) Ithica
(IV) Iver Johnson
(JE) Jennings
(LO) Lorcin
(LU) Luger
(MA) Marlin
(MO) Mossberg
(NC) NCI aka SKS
(NA) North American
(NO) Norinco
(RA) Raven
(RM) Remington
(RG) RG
(RI) RGI
(RO) Rossi
(SW) Smith & Wesson
(SR) Sturm Ruger
(ST) Sterling
(TA) Taurus
(WE) Weatherby
(WN) Winchester
(US) US Government
(YY) Handmade (Inmate)
(XX) Homemade (Non-Inmate)
(ZZ) Other Brand

Type of Injury

(AB) Abrasion
(BR) Bruise
(BU) Burn
(CP) Complaint of Pain
(CO) Concussion
(DH) Death
(DI) Dislocation
(DB) Dog Bite
(FR) Fractures
(GS) Gunshot
(HB) Human Bite
(LC) Lacerations
(ND) Nerve Damage
(OD) Organ Damage
(PA) Paralysis
(PW) Puncture Wound
(SD) Soft Tissue Damage
(ST) Sprain/Twists
(UN) Unconscious

(RM) Refused Med Treatment

(NN) NONE

Body Part Injured

(AD) Abdomen
(AK) Ankle
(AR) Arm
(BK) Back
(BT) Buttocks
(CH) Chest
(EL) Elbow
(FA) Face
(FE) Feet
(FI) Fingers
(GE) Genitals
(GR) Groin
(HD) Hand
(HE) Head
(HI) Hip
(IN) Internal
(KN) Knees
(LE) Leg
(NK) Neck
(SH) Shoulder
(WR) Wrist

Caliber

(9) 9 mm
(10) 10 mm
(12) 12 guage
(20) 20 guage
(21) .22-250
(22) .22 caliber
(23) .223 caliber
(24) .243 caliber
(25) .25 caliber
(30) .308 caliber
(35) .357 caliber
(36) 30-60 caliber
(38) .38 caliber
(40) .40 caliber
(41) .410 guage
(44) .44 caliber
(45) .45 caliber
(50) 50 mm
(SL) Slug
(WW) Other caliber

FORCE APPLIED *(one code per block)*

Used By (E# or S#)	Used Against (E# or S#)	Method (Code)	Brand (Code)	Caliber (Code)	Authorized Weapon? (Y/N)	Authorized Ammunition? (Y/N)	Type of Injury (Code)	Body Part (Code)
S#1	E#1	FH	ZZ	22	N	N	NN	
S#1	E#2	FH	ZZ	22	N	N	NN	
E#1	S#1	FH	BR	9	Y	Y	GS	AD
E#2	S#1	FH	BR	9	Y	Y	GS	AD

See Front Side

Officer Involved Shooting
Involved Employee Information

URN: 004-23130-0456-055

Involved Employee

E 1

Employee # [redacted]	Last Name [redacted]	First Name [redacted]	M.I.
Sex: M Race: W	Rank: Deputy Sheriff	Unit Assignment: [redacted]	Work Assignment (Unit #, Module, etc.): [redacted]
ShiftTime (*circle only one*): EM [redacted] Day	ShiftType (*circle only one*): [redacted] Overtime Off Duty	Intoxication/Drug Usage? ☐	Substance Used:
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐	Coroner Case # / Interviewed? ☒
Hrs of sleep prior to shooting: 7	Duty Time (hrs): [redacted]	Clothing (*circle only one*): Plain Clothes no Vest, Raid Jacket w/ Vest, Plain Clothes w/ Vest, Uniform no Vest, (Raid Jacket no Vest), Uniform w/ Vest	Other Factors:
Age: [redacted]	Height: 507 Weight: 170		
Range Qualification Date: [redacted]	PPC Qualification Date: [redacted]	Laser Training Date: [redacted]	
Certified with Weapon Used? [redacted]	Patrol Certification? [redacted]	Certification Unit: [redacted]	Prior Shootings? [redacted] Number of Prior Shootings: [redacted]
Field Training Officer Emp # [redacted]	Last Name [redacted]	First Name [redacted]	M.I.
Field Training Officer Emp #	Last Name	First Name	M.I.

E 2

Employee # [redacted]	Last Name [redacted]	First Name [redacted]	M.I.
Sex: M Race: W	Rank: Deputy Sheriff	Unit Assignment: [redacted]	Work Assignment (Unit #, Module, etc.):
ShiftTime (*circle only one*): EM [redacted] Day	ShiftType (*circle only one*): [redacted] Overtime Off Duty	Intoxication/Drug Usage? ☐	Substance Used:
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐	Coroner Case # / Interviewed? ☒
Hrs of sleep prior to shooting: 8	Duty Time (hrs): [redacted]	Clothing (*circle only one*): Plain Clothes no Vest, Raid Jacket w/ Vest, Plain Clothes w/ Vest, Uniform no Vest, (Raid Jacket no Vest), Uniform w/ Vest	Other Factors:
Age: [redacted]	Height: 511 Weight: 220		
Range Qualification Date: [redacted]	PPC Qualification Date: [redacted]	Laser Training Date: [redacted]	
Certified with Weapon Used? [redacted]	Patrol Certification? [redacted]	Certification Unit: [redacted]	Prior Shootings? ☒ Number of Prior Shootings: 1
Field Training Officer Emp # [redacted]	Last Name [redacted]	First Name [redacted]	M.I.
Field Training Officer Emp #	Last Name	First Name	M.I.

E

Employee #	Last Name	First Name	M.I.
Sex: Race:	Rank:	Unit Assignment:	Work Assignment (Unit #, Module, etc.):
ShiftTime (*circle only one*): EM PM Day	ShiftType (*circle only one*): Regular Overtime Off Duty	Intoxication/Drug Usage? ☐	Substance Used:
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐	Coroner Case # / Interviewed? ☐
Hrs of sleep prior to shooting:	Duty Time (hrs):	Clothing (*circle only one*): Plain Clothes no Vest, Raid Jacket w/ Vest, Plain Clothes w/ Vest, Uniform no Vest, Raid Jacket no Vest, Uniform w/ Vest	Other Factors:
Age:	Height: Weight:		
Range Qualification Date:	PPC Qualification Date:	Laser Training Date:	
Certified with Weapon Used? ☐	Patrol Certification? ☐	Certification Unit:	Prior Shootings? ☐ Number of Prior Shootings:
Field Training Officer Emp #	Last Name	First Name	M.I.
Field Training Officer Emp #	Last Name	First Name	M.I.

Officer Involved Shooting
Suspect Information

URN: 004-23130-0456-055

Suspect Information

S 1

Last Name: SANCHEZ	First Name: JERRY	M.I.
AKA Last Name	First Name	M.I.

Sex: M Race: HISPANIC	Street Address: [redacted]	City [redacted]	State & Zip Code: [redacted]
Work Phone: [redacted]	Home Phone: [redacted]	Social Security #: [redacted]	Driver's License #: [redacted]
Age: 19 D.O.B. 03-18-1985	Height: 509 Weight: 150	FBI # [redacted]	CII # [redacted]
Booking # 8371379	Primary Charge: 245(D)(2) P.C.	Secondary Charge:	
Coroner Case? ☐	Coroner Case #	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☒	Apprehended? ☒	Mental Illness? ☐	Criminal History? [redacted]
Vehicle Make: TOYOTA		Model: TACOMA	Year: CA, [redacted]

S 2

Last Name: ZATARAIN	First Name: ERNESTO	M.I.
AKA Last Name	First Name	M.I.

Sex: M Race: HISPANIC	Street Address: [redacted]	City [redacted]	State & Zip Code: [redacted]
Work Phone: [redacted]	Home Phone: [redacted]	Social Security #: [redacted]	Driver's License #: [redacted]
Age: 19 D.O.B. 10-10-1985	Height: 601 Weight: 170	FBI # [redacted]	CII # [redacted]
Booking # 8370931	Primary Charge: 245(C)PC	Secondary Charge:	
Coroner Case? ☐	Coroner Case #	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☒	Apprehended? ☒	Mental Illness? ☐	Criminal History? [redacted]
Vehicle Make: TOYOTA		Model: TACOMA	Year: CA, [redacted]

S__

Last Name	First Name	M.I.
AKA Last Name	First Name	M.I.

Sex: Race:	Street Address:	City	State & Zip Code:
Work Phone:	Home Phone:	Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight:	FBI #	CII #
Booking #	Primary Charge:	Secondary Charge:	
Coroner Case? ☐	Coroner Case #	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☐	Mental Illness? ☐	Criminal History? ☐
Vehicle Make		Model:	Year:

S__

Last Name	First Name	M.I.
AKA Last Name	First Name	M.I.

Sex: Race:	Street Address:	City	State & Zip Code:
Work Phone:	Home Phone:	Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight:	FBI #	CII #
Booking #	Primary Charge:	Secondary Charge:	
Coroner Case? ☐	Coroner Case #	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☐	Mental Illness? ☐	Criminal History? ☐
Vehicle Make		Model:	Year:

See Other Side

SUPPLEMENTAL NON-EMPLOYEE WITNESSES
Los Angeles County Sheriff's Department

Non-Employee Witnesses

Last Name [redacted]	First Name [redacted]		M.I.
Street Address [redacted]	Zip Code	Work Ph [redacted]	Home Ph
Last Name [redacted]	First Name [redacted]		M.I.
Street Address [redacted]	Zip Code [redacted]	Work Ph	Home Ph [redacted]
Last Name	First Name		M.I.
Street Address	Zip Code	Work Ph	Home Ph
Last Name	First Name		M.I.
Street Address	Zip Code	Work Ph	Home Ph
Last Name	First Name		M.I.
Street Address	Zip Code	Work Ph	Home Ph
Last Name	First Name		M.I.
Street Address	Zip Code	Work Ph	Home Ph
Last Name	First Name		M.I.
Street Address	Zip Code	Work Ph	Home Ph
Last Name	First Name		M.I.
Street Address	Zip Code	Work Ph	Home Ph
Last Name	First Name		M.I.
Street Address	Zip Code	Work Ph	Home Ph
Last Name	First Name		M.I.
Street Address	Zip Code	Work Ph	Home Ph
Last Name	First Name		M.I.
Street Address	Zip Code	Work Ph	Home Ph
Last Name	First Name		M.I.
Street Address	Zip Code	Work Ph	Home Ph
Last Name	First Name		M.I.
Street Address	Zip Code	Work Ph	Home Ph
Last Name	First Name		M.I.
Street Address	Zip Code	Work Ph	Home Ph
Last Name	First Name		M.I.
Street Address	Zip Code	Work Ph	Home Ph
Last Name	First Name		M.I.
Street Address	Zip Code	Work Ph	Home Ph

INVESTIGATIVE SUMMARY
USE OF FORCE
DEPUTY INVOLVED HIT SHOOTING
IAB CASE NUMBER: SH2135158
URN: 004-23130-0456-055

On Thursday, December 2, 2004, Sergeants Wes Sutton and Michael Berg along with Lieutenant Ben Seno of the Internal Affairs Bureau responded to [redacted] Elaine Avenue, Norwalk, regarding a Deputy Involved Hit Shooting involving Norwalk Station personnel. Lieutenant Gil Carrillo and Detectives [redacted] Joseph Sheehy, Ken Clark, Shawn McCarthy, Shannon Laren and Gabrielle Clark from Homicide Bureau were on scene to conduct the criminal investigation. Michael Gennaco from the Office of Independent Review also responded.

The summary of this incident is based on physical evidence collected at the scene by Los Angeles County Sheriff's Department Crime lab personnel as well as information obtained from interviews of the involved employees and witnesses, whose individual statements are contained in the Homicide Bureau case package (***Refer to Exhibit A***).

On July 26, 2005, the Los Angeles County District Attorney's Office, Justice Integrity Division completed its review of this shooting and concluded that the deputies acted lawfully in self-defense and in the defense of each other (***Refer to Exhibit D***).

<u>INVOLVED PERSONNEL:</u>

[redacted] Deputy #[redacted]
Field Operations Region III
[redacted]

[redacted] Deputy #[redacted]
Field Operations Region III
[redacted]

<u>INVOLVED PERSONNEL:</u>

[redacted]

Date of Employment	08/24/1990
Date Assigned to Patrol	[redacted]
Date Completed Patrol Training	
Prior Shooting Incidents	
Prior Founded Force Incidents	



[redacted]

Date of Employment	02-22-1994
Date Assigned to Patrol	[redacted]
Date Completed Patrol Training	
Prior Shooting Incidents	03-05-2004
Prior Founded Force Incidents	[redacted]

SUSPECTS:

Sanchez, Jerry Santos IIII, MH/19. Booking #8371379

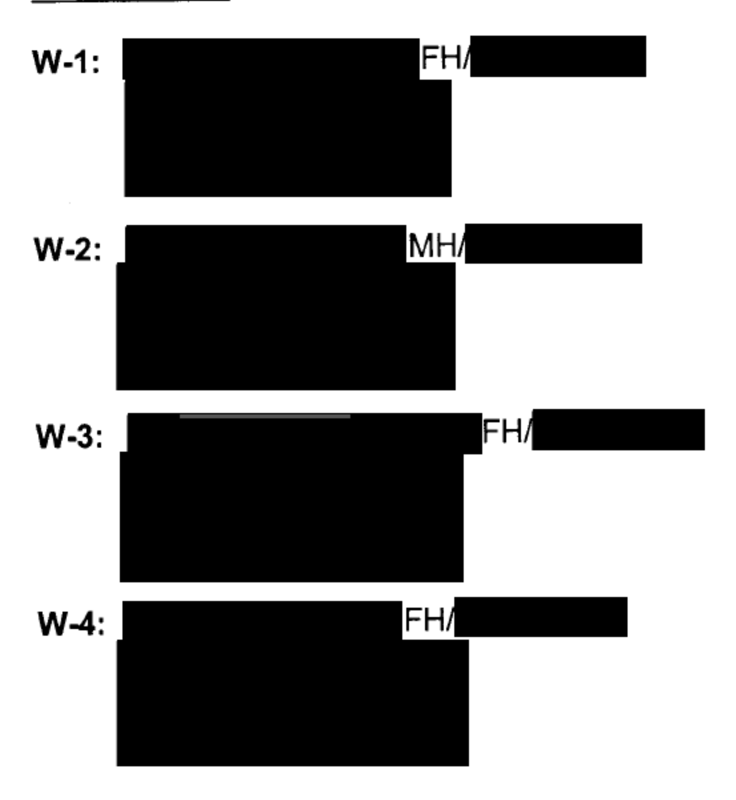


Suspect Sanchez's CCHRS [redacted] ***(Refer to Exhibit B)***.

Zatarian, Ernesto, MH/19. Booking #8370931

Suspect Zatarian's CCHRS [redacted] (***Refer to Exhibit B***).

WITNESSES:



W-1: [redacted] FH/ [redacted]

W-2: [redacted] MH/ [redacted]

W-3: [redacted] FH/ [redacted]

W-4: [redacted] FH/ [redacted]



W-5: [redacted] FB/[redacted]

W-6: [redacted] MH/[redacted]

INJURIES:

Deputy Personnel: None

Suspects:

- Suspect Jerry Santos sustained two gunshot wounds to his buttocks. He also had what appeared to be an exit wound on his front side, adjacent to his scrotum. Santos was examined and treated by Dr. Shultz at U.C.I. Medical Center. Dr. Shultz determined that Santos' injuries were non-life threatening. He was admitted pending transfer to L.C.M.C.

- Suspect Ernesto Zatarain sustained a broken left ankle. He was treated at Norwalk Community Hospital.

PHYSICAL EVIDENCE:

- One fired cartridge case, headstamp "Win 9mm LUGER," recovered from the street east of the Sheriff's patrol vehicle (***refer to Exhibit A, page 78***).
- One fired cartridge case, headstamp "Win 9mm LUGER," recovered from the sidewalk on the west side of Elaine Avenue (***refer to Exhibit A, page 78***).
- Two fired cartridge cases, headstamp "WIN 9mm LUGER," recovered from the lawn at [redacted] Elaine Avenue (***refer to Exhibit A, page 78***).
- One lead fragment recovered from the street underneath the passenger door area of the Toyota Tacoma (***refer to Exhibit A, page 78***).
- One bullet jacket fragment recovered from the street underneath the passenger door area of the Toyota Tacoma ***(refer to Exhibit A, page 78)***
- One bullet jacket recovered from the street underneath the rear bumper area of a Toyota Corolla.
- One "Burgo" model 106, 22 Long Rifle caliber revolver, serial number [redacted] recovered from the street to the front left side of the Toyota Tacoma. The revolver was recovered with the hammer down and the cylinder closed. Seven live cartridges and one fired cartridge case were

present in the cylinder.

INVESTIGATOR OBSERVATIONS:

The crime scene is located in a residential area which surrounds the intersection of Elaine Avenue and Cheshire Street in the City of Norwalk. There are two street lights contained within the crime scene. The lights were illuminated at the time investigators arrived. The Sheriff's patrol car was positioned across the north and south bound lanes of Elaine Avenue just south of Cheshire Street. This vehicle was facing in a southwesterly direction.

The suspects' vehicle, a gold 1995 Toyota "Tacoma" pick up truck was positioned in the southbound lane of Elaine Avenue approximately 10" south of the radio car. This vehicle was parked, facing south, approximately 3' east of the curb line directly in front of the residence at [redacted] Elaine Avenue (***Refer to Photographs, Exhibit C***).

WEAPONS USED BY DEPUTY PERSONNEL:

Deputy [redacted] #[redacted]
Department authorized Beretta 92F, 9MM semi-automatic pistol, fired (3) rounds of Department issued ammunition.

Deputy [redacted] #[redacted]
Department authorized Beretta 92F, 9MM semi-automatic pistol, fired (1) round of Department issued ammunition.

WEAPON USED BY THE SUSPECT:

Sanchez, Jerry Santos
Revolver, "Burgo" .22 caliber, blue steel containing 7 live and one expended .22 caliber long rifle bullets.

PROPERTY DAMAGE:

None.

CRIMINAL INVESTIGATOR AND CHARGES FILED:

[redacted] #[redacted]
Investigator Joseph Sheehy, #[redacted]

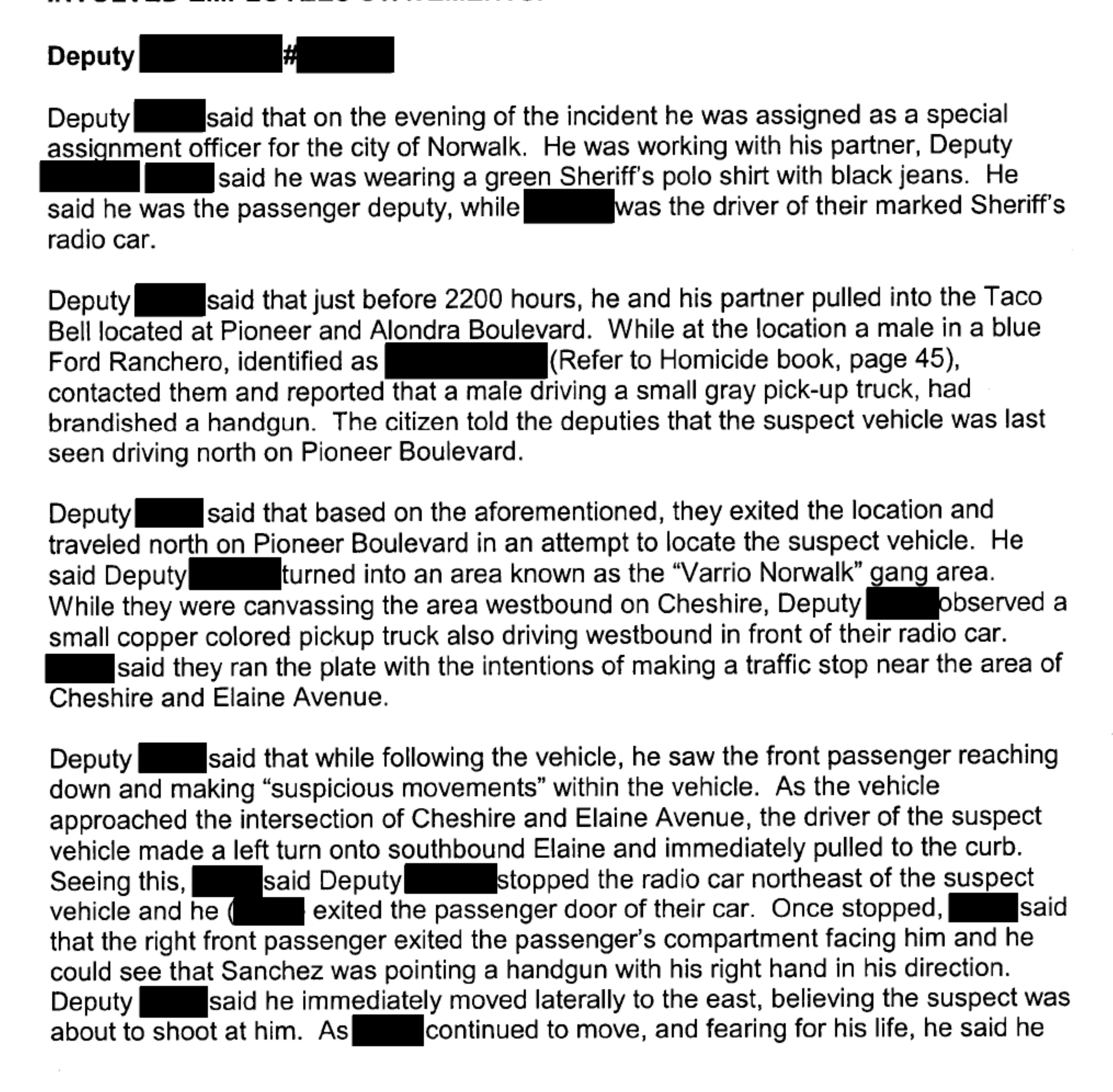
On 02/28/2005, two counts of PC 245 (D) (2), Assault with a Deadly Weapon On A Peace officer and one count of PC 417 (A) (1), Exhibit Deadly Weapon were filed on Suspect Sanchez, case number XSEVA08668501. His next court date is unknown.

On 01/03/2005, investigators filed one count of PC 12034 (A), Carrying A Loaded Firearm In A Vehicle on Suspect Zatarain, case number LC VA08668502. The case was dismissed in furtherance of justice per 1385 P.C.

LIGHTING AND WEATHER CONDITIONS:

The incident occurred during darkness. The weather was clear and cold. There were overhead street lights contained within the crime scene.

INVOLVED EMPLOYEES STATEMENTS:



Deputy [redacted]#[redacted]

Deputy [redacted] said that on the evening of the incident he was assigned as a special assignment officer for the city of Norwalk. He was working with his partner, Deputy [redacted] [redacted] said he was wearing a green Sheriff's polo shirt with black jeans. He said he was the passenger deputy, while [redacted] was the driver of their marked Sheriff's radio car.

Deputy [redacted] said that just before 2200 hours, he and his partner pulled into the Taco Bell located at Pioneer and Alondra Boulevard. While at the location a male in a blue Ford Ranchero, identified as [redacted] (Refer to Homicide book, page 45), contacted them and reported that a male driving a small gray pick-up truck, had brandished a handgun. The citizen told the deputies that the suspect vehicle was last seen driving north on Pioneer Boulevard.

Deputy [redacted] said that based on the aforementioned, they exited the location and traveled north on Pioneer Boulevard in an attempt to locate the suspect vehicle. He said Deputy [redacted] turned into an area known as the "Varrio Norwalk" gang area. While they were canvassing the area westbound on Cheshire, Deputy [redacted] observed a small copper colored pickup truck also driving westbound in front of their radio car. [redacted] said they ran the plate with the intentions of making a traffic stop near the area of Cheshire and Elaine Avenue.

Deputy [redacted] said that while following the vehicle, he saw the front passenger reaching down and making "suspicious movements" within the vehicle. As the vehicle approached the intersection of Cheshire and Elaine Avenue, the driver of the suspect vehicle made a left turn onto southbound Elaine and immediately pulled to the curb. Seeing this, [redacted] said Deputy [redacted] stopped the radio car northeast of the suspect vehicle and he ([redacted] exited the passenger door of their car. Once stopped, [redacted] said that the right front passenger exited the passenger's compartment facing him and he could see that Sanchez was pointing a handgun with his right hand in his direction. Deputy [redacted] said he immediately moved laterally to the east, believing the suspect was about to shoot at him. As [redacted] continued to move, and fearing for his life, he said he

fired three to four rounds from his service pistol at the suspect. He said the suspect then turned and moved toward the front of the Toyota pick up truck.

Deputy [redacted] said he then broadcast via Sheriff's radio advising Norwalk Station deputies that he had been involved in a shooting and requested assistance. He said that he lost sight of the suspect when the suspect went down in front of and south of the truck and that he remained there until other units arrived and safely took him into custody. [redacted] said he then noticed that the driver was still sitting in the truck with his hands raised and he also saw that his partner was standing near the east sidewalk of Elaine Avenue pointing his service pistol in the direction of the truck.

Deputy [redacted] said that the time, he was not aware that his partner, Deputy [redacted] had also fired his service pistol at the suspect; however, he did hear him yelling commands at the suspect similar to, "Let me see your hands!" and "get down, get down! Let me see your hands and don't move." [redacted] said the driver had his hands raised the entire time and was being held at gunpoint until assisting units arrived.

Deputy [redacted] said that when assisting units arrived they took command of the situation and ordered the driver out of the vehicle. [redacted] said he then observed the driver exit the truck and proceed to lie down on the street as ordered to do. As the driver laid down, the truck began rolling forward onto the his legs. [redacted] then heard the driver yelling in pain, "Get the truck off of me! Get the truck off of me!" Other deputies assisted the driver and took him into custody along with the other suspect who had been seen with the handgun.

Deputy [redacted] said he was subsequently taken to Norwalk Sheriff's Station where he was interviewed by Homicide Investigators regarding this incident.

Deputy [redacted] #[redacted]

Deputy [redacted] said that on the night of the incident he was assigned as a patrol deputy with the Special Problems Team for the city of Norwalk. He said he was partnered with Deputy [redacted] He said he was in uniform wearing a green Sheriff's polo shirt and black jeans, along with a marked green Sheriff's jacket. He was the driver deputy in their marked Sheriff's vehicle.

Deputy [redacted] said that he and Deputy [redacted] were at the Taco Bell located at the intersection of Pioneer and Alondra Boulevard. As they were exiting their vehicle, they were contacted by a citizen, [redacted] who told them he had seen two possible gang members in a small gray pickup truck point what he thought was a gun at a group of males in the street. He said that [redacted] then provided them with the direction of travel of the vehicle. [redacted] said they took the information and left the location traveling northbound on Pioneer Boulevard.

Deputy [redacted] said they then turned eastbound onto Lowemont Street into an area

known as the "One Ways - Varrio Norwalk gang area." They continued eastbound on Lowemont Street to Norwalk Boulevard, then northbound to Cheshire Street, where they proceeded westbound on Cheshire. As they were searching for the suspect vehicle, he noted in his mind, a recent "rash" of shootings involving the local area gangs of "Varrio Norwalk" and "Chivas" gang from the Artesia area.

While traveling westbound on Chesire Street, Deputy [redacted] said he observed a small tan colored Toyota pickup truck containing two male "gang-type" occupants. The vehicle was traveling westbound on Cheshire Street in front of their marked Sheriff's patrol car.

Deputy [redacted] said he conducted a DMV check of the vehicle's license plate number via his mobile digital computer and which returned with no wants. The vehicle was registered to a resident in the Norwalk area.

Deputy [redacted] said that when the suspect vehicle reached Elaine Avenue, the driver of the truck failed to stop for the stop sign and made a left turn, immediately pulling to the right curb without being directed to stop. [redacted] also said that they did not activate the overhead lights of the radio car prior to the stop.

Deputy [redacted] said that when the truck pulled to west curb, he activated the overhead lights and stopped his radio car, facing in a southwest direction behind and offset to the east of the suspects vehicle. He said Deputy [redacted] immediately exited via the front passenger's door of the radio car. Simultaneous with this, he saw the right front passenger of the truck exiting the passenger's door. He then heard multiple gunshots to his right.

Deputy [redacted] said he was uncertain if his partner had been shot or if his partner had fired shots at the suspect. He said his view was somewhat obscured by the body of the suspect's truck. Deputy [redacted] further related that as the front passenger exited the truck, he spun around facing Deputy [redacted] and took a crouched position making it difficult to see his hands or actions.

Deputy [redacted] said he then began moving in a southeast direction and as he did, he saw the right front passenger (Suspect Sanchez) "pop up" from a position in the street in front of the engine compartment of the pickup in a crouched position. He saw that the suspect was armed with a handgun in his right hand. He said the suspect then pointed the handgun in a threatening manner at him. Deputy [redacted] fearing for his life, fired one round at the suspect. He said the suspect immediately went to the ground and discarded the handgun onto the street. He said he did not know if his gunfire struck the suspect.

Deputy [redacted] said he then shouted orders for suspect not to move. He said the driver remained in the truck with his hands raised while the shooting occurred.

Deputy [redacted] said [redacted] then broadcast via Sheriff's radio that they had been involved in a shooting. He said when assisting units arrived they took command of the situation and ordered the driver out of the truck. When the driver exited the truck, he laid down on the street with his legs under the truck and the truck rolled onto his legs. The driver was then extricated by assisting deputies and along with the suspect armed with the handgun, taken into custody.

WITNESS STATEMENTS:

> ***IAB NOTE:*** ***None of the witnesses identified were present during the shooting. They only heard gunshots. For further information regarding witness interviews, refer to Homicide book, Exhibit A.***

SUSPECTS STATEMENTS:

S#1: Jerry Santos Sanchez

Suspect Sanchez was interviewed by Homicide [redacted] and Investigator Joseph Sheehy on December 2, 2005, at approximately 0515 hours at the University California Irvine Medical Center in the City of Orange and the following is a summary of that interview:

Suspect Sanchez said he was the passenger in a Toyota truck driven by his friend, Suspect Ernesto Zatarain. Sanchez said they were driving westbound on Cheshire Street when deputies in a marked Sheriff's patrol car attempted to pull them over. Sanchez admitted that he exited the passenger's door of the pickup truck before the truck came to a complete stop. He alleged that when he exited the truck, he was shot by the deputies and did not know why. Sanchez said he was not armed when he got out of the truck.

When questioned by Homicide Investigators concerning the incident near the Taco Bell, Sanchez admitted that he had a confrontation with the occupants of a Cadillac, but denied brandishing a firearm at them. Sanchez also admitted to investigators that he had handled and fired a handgun approximately ten to fifteen minutes prior to the deputies shooting at him. He said he was at a friends house when he fired the gun into the air, which he described as a revolver. Sanchez said he first saw the gun on the passenger's floorboard of the truck. Sanchez once again said he was not armed with the gun as he exited the truck but had no explanation as to how the gun ended up on the street near the truck when he was taken into custody.

S#2: Ernesto Zatarian

Suspect Zatarain was interviewed by Homicide [redacted] and

Investigator Joseph Sheehy at Norwalk Sheriff's Station. Zatarain had been treated at Norwalk Community Hospital for a possible broken ankle, but was not taken any medication prior to the interview.

Suspect Zatarain said the Toyota pickup truck is registered to him and his [redacted] He also said he had been driving the tan colored Toyota truck earlier in the evening with Suspect Sanchez as a passenger. Zatarain said he was the only person that drove the truck the entire time prior to the shooting.

Suspect Zatarain said he picked Sanchez sometime after dark at a friends house on 161st Street in Norwalk. They then proceeded to drive over to another friend's house on 160th Street. Zatarain said that at some point Sanchez wanted to go home, but he told Zatarain that he wanted pay a visit to his [redacted] who lives in the "One Ways" an area known as "Varrio Norwalk" gang area prior to heading home. Zatarain said as they were driving trough the "One Ways," he saw the deputies behind his truck. He then pulled to the curb and saw the rotators activated on the radio car. He said that Sanchez exited the truck prior to coming to a complete stop. Zatarain said as his truck continued to move forward, he heard gunshots.

Suspect Zatarain said he did not see Sanchez brandish a firearm at the deputies. After the shooting, he said he saw that Sanchez had maneuvered to the front of his truck. He then heard the deputies shouting, "Don't move your hands or we'll shoot you." Zatarain said he complied because he understood the deputies were in a dangerous situation and their lives, as well as his life, was in jeopardy. He said that he was afraid that the deputies might believe he had a gun and did not want to get shot, so he put his hands out of the window. He then began yelling at Sanchez, asking him if he was okay.

Suspect Zatarain said the deputies then ordered him out of the truck. As he exited, he said he forgot to put the truck in "park." As he got out of the truck and laid on the ground as instructed to do, the truck rolled onto his left foot. He said he yelled out in pain for someone to move the truck. Zatarain subsequently was able to extricate himself by pushing the truck with his right foot. He said deputies then approached the truck, put it in park and took him and Sanchez into custody.

Suspect Zatarain said that during the entire time he was with Sanchez he did not see Sanchez with a gun. He was unable to explain how a handgun ended up at the scene near Suspect Sanchez.

Suspect Zatarain denied that he and Sanchez had been involved in a confrontation prior to the shooting on 166th Street with the occupants of another vehicle. He also said he did not recall seeing Sanchez leaning out of the truck passenger window and brandish a weapon at anyone.

Suspect Zatarain acknowledged that Suspect Sanchez was a known to associate with Varrio Norwalk gang members, but denied that had any association with the gang

himself.

MISCELLANEOUS SECTION

None.



LOS ANGELES COUNTY DISTRICT ATTORNEY'S OFFICE
BUREAU OF FRAUD AND CORRUPTION PROSECUTIONS
JUSTICE SYSTEM INTEGRITY DIVISION

STEVE COOLEY • District Attorney
CURT LIVESAY• Chief Deputy District Attorney
CURTIS A. HAZELL • Assistant District Attorney

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July 26, 2005

Captain Raymond Peavy
Homicide Bureau
Los Angeles County Sheriff's Department
5747 Rickenbacker Road
Commerce, California 90040

RE: J.S.I.D. File No. 04-0907
L.A.S.D. File No. 004-23130-0456-055

Dear Captain Peavy:

The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of the December 1, 2004, non-fatal shooting of Jerry Sanchez by Los Angeles County Sheriff's Deputies [redacted] and [redacted] We have concluded that the deputies acted lawfully in self-defense and in the defense of each other.

The following analysis is based upon reports prepared by the Los Angeles County Sheriff's Department submitted to this office by [redacted] and Investigator Joseph Sheehy on April 13, 2005. Additionally, the District Attorney Command Center was notified of the shooting at approximately 10:33 p.m. on December 1, 2004. The District Attorney Response Team, comprised of Deputy District Attorney Edward Miller and District Attorney Senior Investigator [redacted] responded to the scene. We were given a briefing of the circumstances surrounding the shooting and a "walk-through" of the scene. Compelled statements were not considered as part of this analysis.

FACTUAL ANALYSIS

On December 1, 2004, at approximately 10:01 p.m., Deputies [redacted] and [redacted] were assigned to a patrol car driven by [redacted] They pulled into a Taco Bell located at Pioneer Boulevard (hereafter, "Pioneer") and Alondra Boulevard in the City of Norwalk. They were contacted by [redacted] reported that he had seen two possible gang members in a small gray pickup truck, possibly a Toyota, and that one of the occupants was pointing what he believed was a handgun at passengers in another car. [redacted] told the deputies that he had last seen the truck heading north on Pioneer.

The deputies drove north on Pioneer in search of the pickup truck. They eventually drove westbound on Cheshire Street where they saw a gold Toyota Tacoma pickup truck traveling with two males who looked like gang members. There had been a recent rash of shootings involving the "Varrio Norwalk" and "Chivas" gangs in this area. It was Deputy [redacted] intention to stop the truck based on the information provided by [redacted] as well as his own knowledge of the recent shootings. As they followed the truck, Deputy [redacted] observed the front passenger reaching down and making suspicious movements.

When the truck reached the intersection of Elaine Avenue, it failed to stop for the stop sign and turned left. The truck immediately pulled over to the curb without being directed to stop by the deputies. Deputy [redacted] turned on his overhead rotator lights and stopped the patrol car behind the truck. Deputy [redacted] exited the unit. The front passenger, Jerry Sanchez, exited the truck facing and pointing a handgun at Deputy [redacted] Believing Sanchez was about to shoot him, [redacted] fired three rounds at him. Sanchez turned and moved toward the front of the truck where [redacted] lost sight of him.

Deputy [redacted] saw Sanchez spin around to face Deputy [redacted] and heard multiple rounds fired, but his view of Sanchez was obscured by the truck. He did not know whether [redacted] had been shot or fired rounds at Sanchez. [redacted] subsequently saw Sanchez pop up in front of the truck. Sanchez pointed his gun at [redacted] In fear for his life, [redacted] fired one round at Sanchez. Sanchez fell to the ground, dropped his gun onto the street and was subsequently arrested. The driver of the pickup truck, Ernesto Zatarain, remained inside the truck with his hands raised during the entire incident and was also arrested.

Paramedics arrived and Sanchez was transported to the University of California Irvine Medical Center. Sanchez sustained two gunshot wounds.

Sanchez was armed with a .22 caliber revolver. Its cylinder was fully loaded with seven live cartridges and one fired cartridge case.

Sanchez later denied being armed and claimed he did not know why the deputies shot him. When investigators told him, however, that a GSR test would indicate if he had handled a handgun earlier in the evening, Sanchez stated that he had fired one shot from a revolver into the air approximately ten to fifteen minutes before his encounter with the deputies. He stated that Zatarain had the gun on the floorboard of his truck. Sanchez could not explain how the gun ended up on the street.

Zatarain stated that Sanchez got out of the truck before he could even make a complete stop and he heard shots as his truck continued to move forward. He claimed that he did not see Sanchez brandish a gun. Nor did he see Sanchez with a gun the entire time he was with him.

CONCLUSION

California law permits the use of deadly force in self-defense or in the defense of others if

it reasonably appears to the person claiming the right of self-defense or the defense of others that he actually and reasonably believed that he or others were in imminent danger of great bodily injury or death. People v. Williams, (1977) 75 Cal.App. 3d 731.

In protecting himself or another, a person may use all force which he believes reasonably necessary and which would appear to a reasonable person, in the same or similar circumstances, to be necessary to prevent the injury which appears to be imminent. California Jury Instructions—Criminal, 5.30, 5.32.

When the peril is swift and imminent and the necessity for action immediate, the law does not weigh into nice scales the conduct of the assailed and say he shall not be justified in killing because he might have resorted to other means to secure his safety. People v. Collins, (1961) 189 Cal. App. 2d 575.

In this case, the deputies were justified in their use of deadly force. Clearly, both Deputy [redacted] and Deputy [redacted] were in imminent mortal danger when Sanchez exited the truck and pointed his gun at each of them.

We accord no weight to Sanchez's claim of being unarmed when the deputies shot at him or to his companion's claim that he did not see him brandish a firearm. When investigators told Sanchez that a GSR test would indicate whether he had handled a firearm earlier in the evening, Sanchez admitted that he had earlier fired one shot from a revolver that Zatarain had in his truck. This statement obviously connects Sanchez with the revolver recovered from the street. It was fully loaded with seven live rounds and one fired cartridge case, and thus had apparently been fired once, as indicated by Sanchez.

We conclude that the deputies acted reasonably and lawfully in self-defense and in defense of each other when they used deadly force against Jerry Sanchez. We are therefore closing our file and will take no further action in this matter.

Very truly yours,

STEVE COOLEY
District Attorney

By Edward A. Miller

EDWARD A. MILLER
Deputy District Attorney
(213) 974-5213

c: Deputy [redacted] # [redacted]
Deputy [redacted] # [redacted]